

1 Banking Department, State of New Hampshire, 64B Old Suncook Road, Concord, NH
2 03301. Such hearings will be scheduled within 10 days of the request. If the
3 Respondent fails to appear at the hearing after being duly notified, such
4 person shall be deemed in default, and the proceeding may be determined against
5 the Respondent upon consideration of the Order to Show Cause, the allegations
6 of which may be deemed to be true.

7 If the Respondent fails to request a hearing within 30 calendar days of
8 receipt of such order or reach formal settlement with the Department within
9 that time frame, then such person shall likewise be deemed in default, and the
10 orders shall, on the thirty-first day, become permanent, and shall remain in
11 full force and effect until and unless later modified or vacated by the
12 commissioner, for good cause shown.

13 **STATEMENT OF ALLEGATIONS, APPLICABLE LAWS AND REQUEST FOR RELIEF**

14 The Staff Petition dated September 10, 2007 (a copy of which is
15 attached hereto) is incorporated by reference hereto.

16 **ORDER**

17 WHEREAS, finding it necessary and appropriate and in the public
18 interest, and consistent with the intent and purposes of the New Hampshire
19 banking laws, and

20 WHEREAS, finding that the allegations contained in the Staff Petition,
21 if proved true and correct, form the legal basis of the relief requested,

22 It is hereby ORDERED, that the Respondent shall show cause why:

23 1. Administrative penalties of \$2,500.00 should not be imposed;

24 and

25 2. Statutory penalties of \$2,500.00 should not be imposed; and

3. Respondent's license should not be revoked; and

It is hereby ORDERED that:

4. Failure to request a hearing within 30 days of the date of

receipt of this Order shall result in a default judgment being

1 rendered, license revocation and administrative penalties
2 imposed upon the defaulting Respondent.

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4 SIGNED,

5 Dated: 9/10/07

6 /s/
PETER C. HILDRETH
7 BANK COMMISSIONER
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1 6. The Respondent has a history on not submitting required paperwork
2 or paying invoices on time, to wit:

- 3 a. The Respondent was fined for late submission of a
4 financial statement in 2005. That fine was paid five
5 months late.
- 6 b. The Respondent was fined for late submission of an
7 annual report in 2004, 2005 and 2007. Each of those
8 invoices was paid late.
- 9 c. The Respondent paid his 2003 examination bill four
10 months after the sixty day statutory period had expired.
- 11 d. The Respondent paid his 2004 examination bill four
12 months after the sixty day statutory period had expired.
- 13 e. The Respondent paid his 2006 examination bill four
14 months after the sixty day statutory period had expired.

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16 ISSUES OF LAW

17 II. The staff of the Department, alleges the following issues of law:

- 18 1. The Department realleges the above stated facts in paragraphs 1
19 through 5.
- 20 2. The Department has jurisdiction over the licensing and
21 regulation of persons engaged in mortgage broker activities
22 pursuant to NH RSA 397-A:3.
- 23 3. RSA 397-A:13 II provides that a licensee shall file its
24 financial statement within 90 days from the date of its fiscal
25 year end. The Respondent violated this provision by failing to
 submit its financial statement.

4. RSA 397-A:13 IV provides that any mortgage broker which fails to file its financial statement within the time prescribed may be required to pay to the department a penalty of \$25.00 for each calendar day the statement is overdue up to a maximum penalty of \$2,500.00.

5. RSA 397-A:21 IV provides that any person who, either knowingly or negligently, violates any provision of Chapter 397-A, may upon hearing, and in addition to any other penalty provided for by law, be subject to suspension or revocation of their license or an administrative fine not to exceed \$2,500.00, or both.

Each of the acts specified shall constitute a separate violation, and such administrative action or fine may be imposed in addition to any criminal penalties or civil liabilities imposed by New Hampshire Banking laws.

RELIEF REQUESTED

III. The staff of the Department requests the Commissioner take the following Action:

1. Find as fact the allegations contained in section I of this petition;
2. Make conclusions of law relative to the allegations contained in section II of the this petition;
3. Order Respondent to Show Cause why its license should not be revoked;
4. Assess fines and administrative penalties in accordance with RSA 397-A:21, for violations of Chapter 397-A, in the number

1 and amount equal to the violations set forth in section II of
2 this petition; and

3 5. Take such other administrative and legal actions as necessary
4 for enforcement of the New Hampshire Banking Laws, the
5 protection of New Hampshire citizens, and to provide other
6 equitable relief.

7 **RIGHT TO AMEND**

8 IV. The Department reserves the right to amend this Staff Petition and
9 to request that the Commissioner take additional administrative
10 action. Nothing herein shall preclude the Department from bringing
11 additional enforcement action under RSA 397-A or the regulations
12 thereunder.

13 Respectfully submitted by:

14
15 /s/
16 James Shepard
Staff Attorney

9/10/07
Date